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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,978	01/29/2004	Brian T. Denton	BUR920030197US1	1977
29154 7590 11/28/2008 FREDERICK W. GIBB, III Gibb Intellectual Property Law Firm, LLC 2568-A RIVA ROAD SUITE 304 ANNAPOLIS, MD 21401				
EXAMINER				
KARDOS, NEIL R				
ART UNIT		PAPER NUMBER		
3623				
MAIL DATE		DELIVERY MODE		
11/28/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/707,978

Applicant(s)

DENTON ET AL.

Examiner

Neil R. Kardos

Art Unit

3623

Period for Reply -- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/16/08.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is a **FINAL** Office action on the merits in response to communications filed on August 18, 2008. Claims 8, 14-15, and 21 have been amended. Claims 1-7 were previously cancelled. Currently, claims 8-21 are pending and have been examined.

Response to Amendment

2. Applicant's amendments to claims 8, 14-15, and 21 have been acknowledged. These amendments are sufficient to overcome the § 112 rejections set forth in paragraph 4 of the previous Office action.

Response to Arguments

3. Applicant's arguments filed on August 18, 2008 have been fully considered but they are not persuasive.

4. Applicant essentially argues that Crampton does not disclose removing stocking points from consideration prior to an allocation process (see Response, pages 14-15). Examiner respectfully disagrees. Figure 4B and paragraph 131 of Crampton are the best illustration of this limitation. Item 428 of figure 4B is the actual allocation step ("Assign order to buckets and record"). Prior to this allocation, admissible locations (item 404) with admissible resources (item 410) and capacity (item 416) are determined. The locations/resources are allocated to orders after various location/resource possibilities have been removed from consideration. See also ¶ 16 ("The initialization process may also include the steps of placing initial assignments and allocating materials"), ¶ 19 ("In determining material feasibility, the ABP system may first check

the resource inventory to determine if inventory can supply the requested quantity of goods”;
“These steps may be repeated for each acceptable location/resource/bucket opportunity”), ¶ 25
 (“determining acceptable location-resource-bucket opportunities based on the configurations”), ¶
 26 (“determining a collection of admissible locations and a collection of admissible resources for
 each admissible location based on the initialized finished goods stock keeping unit”), ¶ 131
 (“permissible configurations were loaded previously”; “a list of admissible resources may have
 been loaded and/or determined when the slice of orders together with associated date were
 loaded into the window at step 224 of FIG. 2B”), and ¶ 148-150. Thus, Crampton clearly
 teaches this limitation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the
 basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 8-21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. pre-grant publication number 2003/0149631 to Crampton et al (“Crampton”).**

Claim 8: Crampton discloses a method of allocating supply items from a supply chain network using a production planning system, said method comprising:

- inputting a customer order comprising part numbers and a customer location (see paragraph 95: lines 38-46);

- deriving a demand item from said customer order, said demand item comprising a part number of said part numbers and said customer location (see id.; see also paragraph 99: lines 1-10; paragraph 103: lines 1-9);
- exploding said demand item through said supply chain network to identify a set of stocking points for said part number that have shipping routes connected to said customer location (see paragraph 131: lines 9-21; paragraph 132);
- imploding said demand item through said set of stocking point to:
- identify ones of said stocking points that have the current ability to supply said part number as active stocking points (see paragraph 131: lines 38-41; paragraph 133); and
- identify ones of said stocking points that do not have the current ability to supply said part number as inactive stocking points (see id.);
- removing said inactive supply stocking points from said set of stocking points to allow only active stocking points to remain (see paragraphs 131, 135); and
- allocating said active stocking points to said customer order using said production planning system to produce a material allocation plan (see paragraph 131: lines 55-58).

Claim 9: Crampton discloses repeating said method for different customer orders (see paragraph 131: lines 59-61).

Claim 10: Crampton discloses wherein said exploding process considers substitutes for said part number (see paragraph 150; paragraph 153: lines 36-45; paragraph 277).

Claim 11: Crampton discloses wherein said imploding considers available inventory of said part number (see paragraph 153: lines 34-36), capability to manufacture said part number (see paragraph 153: lines 34-45; paragraph 176), and scheduled future delivery of said part number (see paragraph 153: lines 34-45; paragraphs 210-211).

Claim 12: Crampton discloses wherein said exploding and imploding processes are carried out recursively (see paragraph 131: lines 49-61).

Claim 13: Crampton discloses wherein said exploding and imploding processes reduce the amount of data that is processed by said production planning system in said allocating process (see paragraphs 131-136).

Claim 14: Crampton discloses:

- deriving additional demand items from said customer order, each of said additional demand items comprising a different part number of said part numbers and said customer location (see paragraph 95: lines 38-46; paragraph 131: lines 58-61); and

- repeating said exploding and said imploding for said additional demand items derived from said customer order to produce a set of active stocking points (see paragraph 131: lines 58-61).

Claim 15: Claim 15 is substantially similar to claims 8 and 14 and is rejected for similar reasons.

Claims 16-20: Claims 16-20 are substantially similar to claims 9-13 and are rejected for similar reasons.

Claim 21: Claim 21 is substantially similar to claim 8 and is rejected for similar reasons. Crampton discloses a computer-readable medium as well as a method (see e.g. paragraph 59).

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil R. Kardos whose telephone number is (571) 270-3443. The examiner can normally be reached on Monday through Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Neil R. Kardos
Examiner
Art Unit 3623

NRK
11/18/08
/Jonathan G. Sterrett/
Primary Examiner, Art Unit 3623